

REMARKS

With regard to the §101 rejection of claims 1-7, 9-12 and 15-17, each of which are now directed to “a computer-implemented method of managing at least one collaborative process performed in accordance with a first entity and at least a second entity,” Applicants respectfully note that the Federal Circuit in *In re Bilski*, No. 2007-1130, slip. op. at 20 & n.19 (Fed. Cir., Oct. 30, 2008) has stated that there is “a definitive test to determine whether a process claim is tailored narrowly enough to encompass only a particular application of a fundamental principle rather than to pre-empt the principle itself. A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing.” *id.* at 10 (emphasis in original). See also *id.* at 23 (“The machine-or-transformation test is a two-branched inquiry; an applicant may show that a process claim satisfies § 101 either by showing that his claim is tied to a particular machine, or by showing that his claim transforms an article.”)

Applicants respectfully submit that, although it is sufficient that one of the two branches of this machine-or-transformation test be satisfied, claim 1 in fact satisfy both branches of this test. Specifically, claims 1-7, 9-12 and 15-17 specifically recite that the method comprises a computer performing the enumerated steps, and hence are “tied to a particular machine” namely, a computer. See, e.g., *id.* at 30 (citing *In re Comiskey*, 499 F.3d 1365, 1379 (Fed. Cir. 2007)) (noting that the Federal Circuit has consistently rejected process claims like those in *Bilski* and in *Comiskey* as unpatentable under § 101 because “these claims do not require a machine”).

Turning now to the transformation branch, we note that the Federal Circuit stated that when a “claimed process is limited to a practical application of a fundamental principle to transform specific data, and the claim is limited to a visual depiction that represents specific physical objects or substances, there is no danger that the scope of the claim would wholly pre-empt all uses of the principle.” *In re Bilski*, slip. op. at 26. See also *id.* at 30 (indicating that patentable claims “involve the transformation of any physical object or substance, or an electronic signal representative of any physical object or substance.”)

In the present case, claim 1 includes limitations directed to “a computer obtaining information associated with the at least one collaborative process used to design and develop a given

product, and based on at least a portion of the obtained information, the computer dynamically maintaining an information structure in the form of a context pyramid structure representative of the collaborative process so as to assist at least one of the first entity and the second entity in managing at least a portion of the collaborative process.” This involves the transformation of “an electronic signal representative of any physical object,” i.e., the obtained data represents a collaborative process used to design and develop a “given product.”

Applicants have canceled claim 20 without prejudice.

For at least these reasons, Applicants respectfully request withdrawal of the §101 rejections.

With regard to the §103 rejection of claims 1-7, 9-12 and 15-19, Applicants assert that the cited combination of Matheson and Pyron fails to teach or suggest each and every limitation of the claimed invention.

For example, independent claim 1 recites a computer-implemented method of managing at least one collaborative process performed in accordance with a first entity and at least a second entity, the method comprising the steps of: a computer obtaining information associated with the at least one collaborative process used to design and develop a given product; and based on at least a portion of the obtained information, the computer dynamically maintaining an information structure in the form of a context pyramid structure representative of the collaborative process so as to assist at least one of the first entity and the second entity in managing at least a portion of the collaborative process; wherein the context pyramid structure provides a representation of the status of the collaborative process including one or more global and local tasks, and comprises results of a time offset calculation, a checkpoint calculation and a potential energy level calculation for the one or more global and local tasks involved in the collaborative process. Independent claims 18 and 19 recite similar limitations.

While Matheson discloses a collaborative session recording model and Pyron discloses a project schedule management tool, neither reference alone or in combination discloses a context pyramid structure that provides a representation of the status of the collaborative process including one or more global and local tasks, and comprises results of a time offset calculation, a checkpoint calculation and a potential energy level calculation for the one or more global and local tasks

involved in the collaborative process, as recited in claim 1 and the other independent claims.

The Office Action again points to Figs. 3-5 of Matheson with regard to a “pyramid structure,” however, it is clear that none of the structures shown in Matheson are pyramid structures, no less context pyramid structures. Furthermore, no where do Matheson or Pyron disclose any type of representation that comprises the status of the collaborative process including one or more global and local tasks, and comprises results of a time offset calculation, a checkpoint calculation and a potential energy level calculation for the one or more global and local tasks involved in the collaborative process, as recited in claim 1 and the other independent claims.

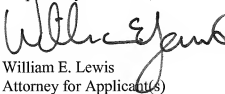
The Office Action at points to Table 15.1 of Pyron for rejecting a “potential energy level calculation for the one or more global and local tasks,” however, Table 15.1 mentions nothing about such a calculation related to a potential energy level of tasks.

By way of example, see the present specification at pages 15-16 which explains that when a real check point passes the absolute timeline, it gives other check points some urgency because others have to shorten their planned time so as to meet the absolute check points. This urgency is modeled as a potential energy which may be displayed at the dashboard so that the users can get a sense on whether they should speed-up to meet the absolute check point. These energies can also be used to evaluate the performance of the designers. The specification then goes on to explain, for each check point, its energy (referred to as “frustration energy”) is calculated as the equation on the top of page 16. Different colors may be used to represent the energy. Thus, a colored pyramid can be displayed at the dashboard.

Applicants assert that one or more of the dependent claims recite patentable subject matter in their own rights.

In view of the above, Applicants believe that claims 1-7, 9-12 and 15-19 are in condition for allowance, and respectfully request withdrawal of the various rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis". The signature is fluid and cursive, with the first name "William" being the most prominent part.

William E. Lewis
Attorney for Applicant(s)
Reg. No. 39,274
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2946

Date: November 21, 2008